

## Message Text

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11  
ORIGIN L-03

INFO OCT-01 ARA-16 ISO-00 OPIC-12 CIAE-00 INR-10 NSAE-00

RSC-01 COME-00 OMB-01 TRSE-00 EB-11 AID-20 /075 R

DRAFTED BY L/ARA:DAGANTZ:JNP  
APPROVED BY ARA/BC - MR. KARKASHIAN  
ARA/BC - MR. BINNS

----- 073509

R 052311Z FEB 74  
FM SECSTATE WASHDC  
TO AMEMBASSY LA PAZ

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E.O. 11652: N/A  
TAGS: BDIS, EMIN, BL  
SUBJECT: IMPC/EMBOSA - ARBITRATION PROVISION  
REF: (A) LA PAZ 590; (B) STATE 20874

1. WHILE WE REALIZE ARGUMENT COULD BE MADE THAT ARBITRATION PROVISION OF EMBOSA STATUTE OF INCORPORATION NO LONGER APPLICABLE ONCE EMBOSA LIQUIDATED WITHOUT ARBITRATION HAVING BEEN FORMALLY SOUGHT, THIS IS NOT THE ONLY POSSIBLE INTERPRETATION AND WE WOULD NOT WANT TO TAKE THIS VIEW IN DISCUSSIONS WITH GOB. IT CAN ALSO BE ARGUED THAT LIQUIDATION ITSELF WAS IMPROPER UNTIL DISPUTES OVER CONCLUSION OF MANAGEMENT CONTRACT AND OBTAINING FINANCING HAVE BEEN RESOLVED THROUGH ARBITRATION, IF NOT OTHERWISE. WE NOTE FURTHER THAT ARTICLE 41 SPECIFIES NO TIME LIMIT AFTER WHICH RIGHT TO ARBITRATE DISPUTES UNDER STATUTE IS LOST. WHILE WE MIGHT BE DISPOSED TO ACCEPT WHAT IS IN ESSENCE A TECHNICAL LEGAL ARGUMENT IF IT WERE CLEAR THAT GOB AGENCIES HAD ACTED COMPLETELY IN GOOD FAITH AND CONSISTENT WITH STATUTE, THIS IS APPARENTLY NOT THE CASE AND WE ARE NOT INCLINED TO DO SO HERE.

2. IN VIEW REF B, WE ARE NOT REPEAT NOT SUGGESTING YOU  
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RAISE POSSIBILITY OF ARBITRATION WITH GOB AT THIS TIME,

ALTHOUGH WE HAVE NOT RULED IT OUT AS POSSIBLE BASIS FOR  
SATISFACTORY SOLUTION. KISSINGER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NATIONALIZATION, ARBITRATION, MINING INDUSTRY, INDEMNIFICATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 05 FEB 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MorefiRH  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974STATE024262  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** DAGANTZ:JNP  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19740254/aaaabyt.tel  
**Line Count:** 63  
**Locator:** TEXT ON-LINE  
**Office:** ORIGIN L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** (A) LA PAZ 590; (B) STATE 20874  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MorefiRH  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 09 SEP 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <09 SEP 2002 by kelleyw0>; APPROVED <10-Sep-2002 by MorefiRH>  
**Review Markings:**

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EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** IMPC/EMBOSA - ARBITRATION PROVISION  
**TAGS:** BDIS, EMIN, BL  
**To:** LA PAZ  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005